

Application No. : 09/901,240
Filed : 07/09/2001

Remarks:

(3) Status of Claims.

The instant application is a continuation of Serial Number 09/901,240 filed 07/09/2001 comprising claims 1-20.

Responsive to a first Office Action mailed 09/20/2000, claims 1-20 were amended by an Amendment And Response To First Office Action dated 02/18/2003.

Responsive to a Final Action mailed 04/24/2003, each of the independent claims (1, 12, and 17) were amended, and also dependent claims 3-9, and 18 were amended by the Reply To Final Action filed 07/21/2003.

An Advisory Action mailed 07/29/2003 indicated that the proposed amendment after final would not be entered.

A Request For Continued Examination was filed 08/27/2003 comprising an amendment to each of the independent claims (1, 12, and 17) and to dependent claims 2-11, 13-15, and 18-19.

An Office Action mailed 10/01/2003 rejected claims 1-11 and allowed claims 12-20.

A reply to the Office Action mailed 10/01/2003, did not amend the rejected claims.

A Final Action mailed 02/10/2004, rejected claims 1-11 and allowed claims 12-20.

Claims 1-11 were appealed on 06/09/2004 from the Examiner to the Board of Patent Appeals and Interferences.

In view of the appeal brief, a non-final Office Action dated 08/23/2004, reopened prosecution on new grounds for rejection; rejected claims 1, 2, 5, 6, 7, 10, and 11; newly allowed claims 3, 4, 8, and 9 if written in independent form; and continued the previous allowance of claims 12-20.

Accordingly, this reply addresses the Office Action's rejection of claims 1, 2, 5, 7, 10, 11.

(5) Summary of the Invention.

The specification teaches with respect to a real-time strategy ("RTS") that:

At the beginning of the Detailed Description To The Invention, the specifications teaches that:

"Area-based resource collection enables a player to define an area of influence within a map from which the player may collect resources. The definitions of these areas of influence for a given player may be responsive, directly or indirectly, to that player's decisions, actions, orders, and interactions with other players." [Page 6, lines 1-4.]

As is illustrated in Figures 1-3

"In a preferred RTS game embodiment, the game is set in a high-technology universe in which resources are collected primarily through the use of reactors. By building a basic reactor, a player defines an area of influence surrounding the reactor. That is, the actual area of influence and the resulting resource collection potential are dynamically defined in response to a player's action." [Page 8, lines 15-19.]

"Reactors are made available in several different forms, such as basic, directional, focused, and/or mobile. Basic reactors would be the most simple, having a medium sized circular area of influence centered on the reactor. Directional reactors would have areas of influence in the shape of ellipses not centered on the reactor, so that the player could reach areas not otherwise possible by orienting the reactor toward the desired area. Focused reactors might have a smaller base area but have a bonus to the rate of resources extracted or be able to project their areas of influence to alternate locations. Mobile reactors would be closer in function to units than structures and be able to relocate themselves and thus their area of influence as the player sees fit. "[Page 8, line 28, to page 9, line 5.]

Figures 1 and 2 are drawn to illustrate that the areas are generated directly in response to an action of a player playing the game. A comparison of figures 1 and 2 shows that areas of influence are not pre-drawn, i.e., do not exist, in advance of a player's actions.

"FIG. 2 is a diagram of a game in progress implementing an area-based resource collection illustrating the impact of the actions of a second player. The two players will be referred to as "the light player" whose reactors 111-113 were previously discussed with respect to FIG. 1 and are similarly shown in FIG. 2; and "the dark player" who constructed a reactor 131, defining an area of influence 141 in resource patch 101, and two basic reactors 132 and 133 in the neighboring resource patch 102. These two reactors generate an overlapping areas of influence 142 and 143 for the dark player." [Page 11, line 27, to page 12, line 2.]

It should be appreciated that in this example, the second player has placed a reactor 131 so as to generate an area 141 that overlaps only a portion of a resource area 101, the overlapped portion defining a potential resource collection area for the second player. The generated area 141 also overlaps areas 121, 122, 123 previously generated by the first player.

In further, explaining, the invention, the specification provides detailed examples of how commercially available games such as "Total Annihilation" could be modified to benefit from the advantages of the invention:

"According to the area-based resource methods, TA could be enhanced, for example, as follows. Substitute the existing structures which produce energy by power field generators (PFG). A PFG structure, when produced, would generate an area of influence about itself in a given radius. If no other PFGs are attempting to influence this area, then the PFG produces energy based on the total area under its influence. If the areas controlled by PFGs overlap, then their energy production is reduced

responsive to formulas analogous to that of a gravity model." [Page 16, lines 23-29.]

The dynamic real time characteristics of the resource collection methods of the invention enable new principles of operation that offer conceptual advantages over prior art methods. For example:

"Area-based resource collection methods enable affecting resource collection by the overlapping of controlled areas. The overlapping of a player's areas of influence results in diminishing marginal returns. The overlapping of two player's controlled areas results in the sharing of either resource production in the common area, a splitting of the common area into two separately controlled zones, a cancellation of resource production in the contested zone, or simultaneous ownership by both sides. This allows for extremely varied and dynamic rules that may be applied to resource collection and production." [Page 6, line 30, to page 7, line 6.]

(6) Issues.

Whether claims 1, 2, 5, 6, 7, 10, and 11, are properly rejected under 35 U.S.C. 102(b) as being anticipated by WARCRAFT II (Blizzard Entertainment ("Warcraft").

(7) Grouping of Claims.

It is believed that each of the claims define the invention with a different degree of specificity and with a different degree of structural or methodological implementation, and that the claims do not stand or fall together.

(8) Argument.

(A) Claim 1, 2, 5, 6, 7, 10, and 11 are patentable under 35 U.S.C. § 102(b) over Warcraft.

Claim 1 is an independent claim, and the rest of the remaining rejected claims (2, 5, 6, 7, 10, and 11) are dependent on claim 1. Thus, if claim 1 is not anticipated or rendered obvious by Warcraft, as is the case, the dependent claims would therefore also not be anticipated or rendered obvious by Warcraft. Accordingly, the following focuses on claim 1, the only independent claim that remains rejected.

Claim 1 recites in part:

generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; and enabling an acquisition of resources from the resource collection area.

Applicants' Figures 1 and 2 show, for example, *resource area 101* (resource patch, page 11, line 16), in response to playing the game, a player selects a location to build a reactor 111. The "*action of a player playing the game*", e.g., building of the reactor, causes the *generating a first*

area 121 “overlapping only a portion of a resource area” 101. The “overlapping portion defining a resource collection area” (only that portion of the resource patch 101 located within the area 121 generated by the reactor 111. The overlapping portion may be understood, for example, as the geometrically congruent area between the resource patch 101 and the reactor generated area 121.

In its support of its rejection, the Office Action asserts that Warcraft:

“discloses a method of playing a game (see Figure 1 on page 7), which comprises the steps of generating, in direct response to an action of a player playing a game, a first area (oil platform and see Figure 8 on page 16 for the location of the first area), the first area overlapping only a portion of a resource area (see page 16, lines 25-32 and as seen in Figure 9), the overlapping portion defining a resource collection area (oil) and see page 16, lines 25-36), and enabling an acquisition of resources from the resource collection area (see page 17, lines 1-10 and as seen in Figure 9), the first area covers at least a portion of one of a plurality of resource areas having different densities of resources, the first area covers at least a portion of one of a plurality of resource areas having qualitatively different resources (see page 16, lines 33-36).”

Thus, the Office Action relies on the teachings of Warcraft with respect to page 16, lines 25-36 and the corresponding Figures 8 and 9 for disclosing the claimed “*generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area*”. As is detailed below, Warcraft does not anticipate or render obvious, in fact teaches away from the claimed limitation.

Warcraft in fact only teaches at page 16, lines 25-36 that:

1. Tankers are used to haul oil much in the same manner that Peasants are used to harvest lumber or mine gold. Tankers, however, must construct an Oil Platform from which to drill for this resource. The first step is to find a suitable location to place a Platform.
2. There are Oil Patches that represent concentrated areas of oil. Use your Tanker to scout out one of these sites by moving it around the waterways.

Thus, to this point Warcraft only suggests “to find a suitable location to place a Platform”. Then Warcraft indicates the existence of Oil Patches that represent concentrated areas of oil. In Warcraft the Oil Patches exist before any action by a player. Thus, the Office Action may only logically argue that the Oil patches are analogous to the *resource area* 101 (resource patch, page 11, line 16) of the claim.

Warcraft then proceeds by reciting how to locate an Oil Platform within an Oil Patch:

3. When you have found an Oil Patch, click the Build Oil Platform icon in the Oil

Tanker's Unit Command area.

4. A green tinted image of an Oil Platform will appear on the Command Map that represents the amount of space required to build the Platform. If you attempt to place the Platform over any area that is not an Oil Patch, the image will pulsate red.
5. When you have chosen an appropriate site, place the Oil Platform. The Tanker will move to the site and begin construction.

Thus, Warcraft require that certain amount of space is required to build the Platform. That is what is shown by Warcraft's Figures 8 and 9 relied upon by the Office Action. Warcraft concludes the Office Action's applied section with:

6. When the Oil Platform is completed, the Tanker will automatically begin hauling oil back to the Shipyard. Any new Tankers that are constructed may be ordered to carry oil from an existing Oil Platform by selecting Haul Oil in its Unit Command area.

Warcraft explicitly thus teaches that "when the Oil Platform is completed, the Tanker will automatically begin hauling oil" extracted by the Oil Platform from the Oil Patch. That is all that Warcraft teaches or suggests.

Contrary to the Office Action's assertions, The locating and/or building of a Platform does not cause the "*generating*" of "*a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area*". Warcraft does not teach or suggest, for example, that the amount of space required to build the Platform generates an "*area overlapping only a portion of a resource area,[the Oil Patch] the overlapping portion defining a resource collection area*".

The Webster's Encyclopedic Unabridged Dictionary of the English Language, New Deluxe Edition, does not provide a definition for the term "*generating*" and for the term "*overlapping*" that supports the Office Action rejection of claim 1 as being anticipated by Warcraft.

Warcraft, alone or in combination with the references of record does not teach, suggest, anticipate, or render obvious, teaches away from, does not recognize, much less appreciate the advantages, of the method of claim 1 which recites:

*A method of playing a game, the method comprising the steps of:
generating, in direct response to an action of a player playing a game, a first area
overlapping only a portion of a resource area, the overlapping portion defining a
resource collection area; and
enabling an acquisition of resources from the resource collection area.*

For the reasons provided with respect to claim 1, and the particular reasons that may be offered with respect to the claims depending on claim 1, applicants traverse the rejection of dependent claims 2, 5, 6, 7, 10, and 11, and respectfully submit that the rejection of claims 2, 5, 6, 7, 10, and 11 under 35 U.S.C. §102(b) as being anticipated by Warcraft is unwarranted and should be reversed.

Conclusion

Thus, as in the case of claims 12-20, and claims 3, 4, 8, and 9, each of the remaining claims 1, 2, 5, 6, 7, 10, and 11, also recite useful, novel, nonobvious, and enabled inventions, clearly described in applicants' specification, and that offer advantages not anticipated or rendered obvious by Warcraft alone or in combination with the other references of record. Therefore, it is believed that the outstanding claims are in condition for allowance. Accordingly, favorable reconsideration and allowance of these claims is respectfully solicited.

By the above reply, applicants have attempted to diligently respond to each of the principal issues raised by the Office Action. If a particular assertion or remark in the Office Action is deemed not to be directly or indirectly addressed, it should not be interpreted as indicating agreement with such an assertion or remark.

For purposes of presentation, the remarks have been provided in as simple a manner as possible, and do not embody the richness or breadth of the specification of the present inventions which is incorporated herein by reference. Thus, a remark herein or reference to a specific point or passage in the specification is not intended to traverse or limit the scope of the specification or the claims. If any remark or remarks during the prosecution of this application are deemed by the Examiner to introduce limitations or to disavow the otherwise entitled scope of the claims, then the Examiner is respectfully requested to require applicants to amend the claims responsive to such limitations or disavowals.

Respectfully submitted,



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